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The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Death Penalty as Political Revenge Tools

Introduction

Since 2011, Bahrain's court has issued a number of death sentences, some in military court and others in criminal courts, in contravention to Article 10 from the Universal Declaration of Human Rights, and Article 6 of the International Covenant on Civil and Political Rights. While these same courts have brushed aside cases of Bahraini security forces accused of killing citizens, as well as practices of torture in detention centres, and the firing of live ammunition on peaceful protests.

On 9 January 2017, the Bahraini authorities upheld the death sentence against three activists – Sami Mushaima, Abbas Al-Samea, and Ali Abdulshaheed Al-Singace, who were arrested in 2014, being accused of killing three policemen in a bombing incident. After exhausting all legal procedures, on 15 January, the three individuals were immediately executed. It was the first executions of Bahraini citizenship holders since 1996, although the victims were technically stateless after being stripped of their citizenship.

During the last two years, Bahrain has sentenced 24 people to death, four of whom have already been executed, including the three mentioned above. Four citizens were sentenced to death in 2016 and eleven of the cases were sentenced after the UPR review in May 2017. Among them, six were civilians sentenced by the Military Court on 25 December 2017. Of the 24 cases, two has been sentenced recently in 31 January 2018.

Death Penalty as Political Revenge Tools

Repressive authorities, including those of Bahrain, generally use the death penalty against opposition members, fabricating accusations and charges against them to score political points and seek revenge wholly from a political aspect, and not a legal one.

From a criminal point of view, the international human rights community calls for the abolishment of the death penalty as it believes there is no tangible deterrent value to stop the offence being committed again. From a human rights perspective, the penalty should be abolished, as it has become a means for political tactics that are contrary to human rights – like political revenge and the silencing of political opponents.

This is especially true when considering the lack of an independent, impartial and fair judiciary and the absence of the principles of separation of powers, resulting in the absence of the most basic conditions of fair trials. There is no doubt that it will result in unfair judgments being handed down, which is what is happening in Bahrain. The legislature, the judiciary, and the executive falls into one hand that oversees and dispenses, yet is above questioning as he is considered "higher and untouchable". From here the general provisions associated with death penalty loses its integrity, transparency and fair justice. Death penalties emanating from such judiciaries are immersed in international criticisms, and the penalty should be stopped.

Fabrication of Charge and Death Penalty in Bahrain

The Constitution of Bahrain does not refer to the death penalty and it is unclear whether the death penalty is mandatory for any offence in Bahrain. Nevertheless, the death penalty in Bahrain has been carried arbitrarily and discriminately, especially against political dissidents. The Bahraini courts have continued to disregard of evidence and proofs that the security apparatus caused deaths, tortured prisoners, extracted false confessions and fired live rounds during the crackdown on peaceful protests.

All those sentenced to death have complained of the same or similar treatments and processes. These include rough arrests, harsh torture and obscure and questionable evidences. These all strongly indicate and illustrate a political scheme. The typical practices endured by death row inmates include blindfolding, long periods of forces standing, electrocution, insults, sleep and deprivation, etc.

All three victims of the recent execution, Mushaima, al-Samea, and Al-Singace were tortured by police after their arrest and two of them admitted that they were forced to sign false confessions under duress.

Sami Mushaima was forced to sign documents despite being illiterate. Although he had a family member who was a prominent opposition politician, it was known that he had never been involved in activism. Abbas al-Samea, who was at school at the time of the bombing incident as a teacher, was admitted to hospital for surgery as a result of his interrogation. Ali Abdulshaheed Al-Singace was arrested as a teenager and convicted in absentia, after being tortured with electric shocks.

On 25 December 2017, the Supreme Military Court issued a death sentence to 6 civilians, charging them for forming a terrorist cell. The victims, Mubarak Adel Mubarak Mahanna, Sayed Fadhel Abbas Hassan Radhi, Sayed Alawi Sayed

Husain Alawi, Muhammad Abdulhassan Al Mutaghwi, Murtada Majeed Ramadan Alawi, and Habeeb Abdullah Hassan Ali, were given the verdicts after a mass unfair trial. Murtada Majeed and Habeeb Abdullah were tried in absentia.

Violation of International Law

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Article 6 of ICCPR clearly states that no one shall be arbitrarily deprived of his life. It also emphasises that the death penalty would be imposed only for the most serious crimes. In Bahrain, the death penalty has been deployed as a tool of political revenge tool. Since 2011, Bahrain's court has issued a number of death sentences, some in military court and others in criminal courts.

In its UPR review in 2017, many member states condemned the execution of three Bahraini youth, with Bulgaria labeling it as a "step back" from the country's practice on executions. There were numerous calls for a moratorium or abolishment of the death penalty. Countries who commented on this issue include Argentina, Armenia, Australia, Germany, the Philippines, Sweden, and Slovenia. Recommendation 76 states urges the Bahraini government to immediately declare an official moratorium on executions with a view to the ratification of the Second Optional Protocol to the ICCPR and the abolition of the death penalty.

Recommendations

To the government of Bahrain:

- Immediately release all those currently sentenced to death and drop all charges against them.
- Stop use of torture to extract confession and investigate and prosecute relevant individuals and personnel.
- Find alternative sentences for prisoners found to be guilty by an independent and fair judiciary.
- Set a date for Special Rapporteurs to visit, communicate and meet with death row prisoners.

To the members of Human Rights Council:

- Prevent countries like Bahrain, which lack justice and fairness and have a history of trial manipulation, from issuing and carrying out death penalties, specifically against political and human rights activists.
- Oppose and restrain death sentences lacking conditions of fairness, transparency and fair litigation, and compel the Government of Bahrain to abolish the death penalty against political and human rights activists who exercise their right to freedom of expression.
- To the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Bahrain.